

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of the Office of Financial and Insurance Services

In the matter of:

Order Express, Inc.
685 W. Ohio Street
Chicago, Illinois 60610

Enforcement Case No. 07-5191

Respondent

Issued and entered,
on 9/19/2007
by Frances K. Wallace
Chief Deputy Commissioner

CONSENT ORDER

I.
BACKGROUND

On March 3, 2007, the Office of Financial and Insurance Services (OFIS) received an application from Order Express, Inc. (Respondent), for a money transmission services provider license under the Money Transmission Services Act (MTSA), Act 250 of 2006, MCL 487.1001 *et seq.* Respondent is not presently licensed by OFIS pursuant to the MTSA to provide money transmission services in the State of Michigan. In reviewing the past practices of Respondent, OFIS staff determined that contrary to the MTSA, Respondent conducted money transmission services without a license from the Commissioner of OFIS. OFIS and Respondent have now conferred for purposes of resolving this matter and determined to settle this matter pursuant to the terms set forth below.

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**II.
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. At all times pertinent to the matter herein, Respondent was not licensed by OFIS to engage in money transmission services.
2. The Commissioner of OFIS has jurisdiction and authority to adopt and issue this Consent Order, pursuant to the Michigan Administrative Procedures Act ("MAPA"), MCL 24.201 *et seq.*
3. During OFIS's investigation of Respondent's application for licensure under the MTSA, OFIS staff discovered that from March 1, 2007, to May 31, 2007, Respondent conducted 684 money transfers from its Holland, Michigan office without a money transmission services provider license.
4. Section 3(c) of the MTSA, MCL 487.1003(c), states, "Money transmission services' means selling or issuing payment instruments or stored value devices or receiving money or monetary value for transmission...."
5. Section 11(1) of the MTSA, MCL 487.1011(1), states, "Except as otherwise provided in this section and subject to section 4, a person shall not provide money transmission services in this state after December 31, 2006 without a license under this act or a class 1 license issued under the consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072."
6. Respondent is not exempt from licensure under the MTSA.
7. Respondent conducted money transmission services without the requisite license certificate required under Section 11(1) of the MTSA.


**III.
ORDER**

Therefore it is ORDERED that:

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1. Respondent shall cease and desist violating Section 11(1) of the MTSA.
2. Respondent shall pay the State of Michigan, through OFIS, a civil penalty in the amount of \$15,000.00. The fine shall be paid on or before 30 days of the date of entry of this Order.
3. Respondent shall establish and maintain a program to monitor and ensure compliance with the MTSA.
4. Respondent shall educate all of its officers and employees with respect to all state and federal consumer laws and regulations, including the MTSA.
5. Respondent shall immediately designate a compliance officer to ensure that Respondent is in compliance with applicable state and federal laws, rules, and regulations, and provide written notification to OFIS of the compliance officer's name and business address. Respondent's written notice designating a compliance officer shall accompany Respondent's payment of a civil penalty as provided for in Paragraph 2 of this Order. Respondent shall notify OFIS of any change in designation of the compliance officer within 30 days of such re-designation.

The Commissioner retains jurisdiction over the matters contained herein and has the authority to issue such further Order(s) as she shall deem just, necessary, and appropriate in accordance with the provisions of the MTSA. Failure by the Respondent to abide by the terms and provisions of this Order may result in the commencement of additional proceedings.


Frances K. Wallace
Chief Deputy Commissioner